Office of the Information Commissioner of Canada

2010–2011

Departmental Performance Report

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of Canada

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Message from the Information Commissioner of Canada

I am pleased to present the Office of the Information Commissioner's *Departmental Performance Report* for 2010–2011.

As I assumed the role of Commissioner on June 30, 2010, I committed to achieving a high level of performance in investigating access complaints and issues. Hand in hand with that went strengthening our investigative and legal capacity. I also sought to enhance our governance structures and processes.

Overall, we made progress in these three areas, although we still have work to do.

Our performance, by some measures, has indeed improved. Our inventory of complaints is down, as is the overall time to investigate complaints. However, we have a way to go to achieve the level of service Canadians deserve. This will require us to take concrete steps to bring discipline to the management of our caseload and to adjust our approach to investigating complaints.

We are building investigative and legal capacity through recruitment and targeted training of employees, and by developing modern tools and systems to support them. Our efforts in this area will continue in 2011–2012, as we strive to better meet the challenges of complex cases and pursue litigation. The demands on the legal team are likely to be considerable, as the ramifications of recent Supreme Court decisions on access to records in ministers' and the Prime Minister's Office become clearer, and as requesters and institutions continue to test the limits of the exemptions and exclusions brought in under the *Federal Accountability Act*.

Ongoing improvement will be grounded in strong and effective governance—in particular, through our 2011–2014 strategic plan. Developing the plan in 2010 brought the whole organization together to focus on upcoming priorities and craft a clear direction for our work. The plan centres on three areas: achieving high performance by further increasing operational efficiencies; influencing the access regime and fostering self-discipline among institutions to reverse the declining trends in timeliness and disclosure; and building a workplace of choice. In line with the strategic plan, we also amended our Management, Resources and Results Structure and developed new performance targets for the 2012–2013 reporting cycle.

The importance of effective governance for me and for our organization cannot be overstated. It is essential that we act prudently and responsibly at all times to make the best use of our limited resources to provide exemplary service.

Canadians need and want us to promote government transparency and accountability. Our strategic plan will guide us in making wise investments in key areas of our program while making use of the full range of tools under our compliance continuum to maximize compliance. In this manner, we will continue to effectively assist Parliament, call central agencies and institutions to account and help Canadians obtain the information they seek.

Section I: Organizational Overview

Raison d'être

The Office of the Information Commissioner of Canada (OIC) ensures that federal institutions respect the rights that the *Access to Information Act* confers to information requesters. Protecting and advancing the right of access to public sector information ultimately enhances the transparency and accountability of the federal government.

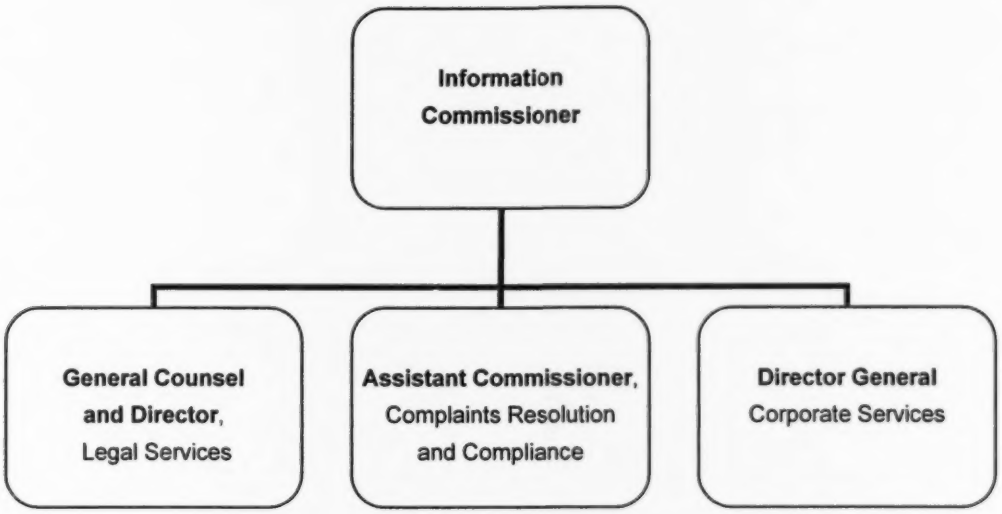
Responsibilities

The OIC is an independent public body set up in 1983 under the *Access to Information Act*. Our mission is to conduct **efficient, fair and confidential investigations** into complaints about federal institutions' handling of access to information requests. The goal is to maximize compliance with the Act while fostering disclosure of public sector information using the full range of tools, activities and powers at the Commissioner's disposal, from information and mediation to persuasion and litigation, where required.

We use mediation and persuasion to resolve complaints. In doing so, we give complainants, heads of federal institutions and all third parties affected by complaints an opportunity to make representations. We encourage institutions to disclose information as a matter of course and to respect Canadians' rights to request and receive information, in the name of transparency and accountability. We bring cases to the Federal Court of Canada to advance the legal interpretation of the Act in order to maximize disclosure of information.

We also support the Information Commissioner in her **advisory role to Parliament** and parliamentary committees on all access to information matters. We actively make the case for greater freedom of information in Canada through targeted initiatives such as Right to Know Week, and ongoing dialogue with Canadians, Parliament and federal institutions.

The following diagram shows the OIC's organizational structure.


Information Commissioner
General Counsel and Director, Legal Services
Assistant Commissioner, Complaints Resolution and Compliance
Director General Corporate Services

Legal Services represents the Commissioner in court and provides legal advice on investigations, legislative issues and administrative matters. It closely monitors the range of cases having potential litigation ramifications for us and for access to information in general. Legal Services also assists investigators by providing them with up-to-date and customized reference tools on the evolving technicalities of the case law.

The **Complaints Resolution and Compliance Branch** investigates individual complaints about the processing of access requests, conducts dispute resolution activities and makes formal recommendations to institutions, as required. It also assesses federal institutions' compliance with their obligations, carries out systemic investigations and analysis, and provides policy direction.

Corporate Services provides strategic and corporate leadership in human resources and financial management, internal audit as well as information management and technology. It conducts our external relations with a wide range of stakeholders, notably Parliament, government and representatives of the media. It is also responsible for managing our access to information and privacy function.

Strategic Outcome and Program Activities

Strategic Outcome	*Program Activities*
Individuals' rights under the *Access to Information Act* are safeguarded.	• Compliance with access to information obligations • Internal services

Organizational Priorities

Our 2010–2011 operational priorities focused on ways to improve our service delivery and improve our management practices, controls and infrastructure. We also strove to foster greater compliance with the Act among federal institutions and to be a catalyst for modernizing the access legislation.

Priority	Type	Status[1]
1. Continue to improve **service delivery** to individuals who have filed complaints with the Information Commissioner.	Ongoing	Mostly met

Priority	Type	Status
2. Foster **institutions' compliance** with their obligations under the *Access to Information Act* by pursuing the implementation of the OIC's Three-Year Plan for Report Cards.	New	Met all

Priority	Type	Status
3. Maximize compliance with the Act, notably by demonstrating best practices in **proactive disclosure** and fulfilling the statutory duty to assist information requestors.	New	Met all

[1] The performance status takes into account the percentage of planned activities and outputs that were successfully completed during the reporting year. Accordingly:

- **Exceeded** means that more than 100% of the expected level of performance for the priority identified in the corresponding *Report on Plans and Priorities* was achieved during the fiscal year.
- **Met All** means that 100% of the expected level of performance for the priority identified in the corresponding *Report on Plans and Priorities* was achieved during the fiscal year.
- **Mostly Met** means that 80% to 99% of the expected level of performance for the priority identified in the corresponding *Report on Plans and Priorities* was achieved during the fiscal year.

Priority	Type	Status
4. Serve as an **exemplary model** for the access to information process.	Previously committed to	Exceeded

Priority	Type	Status
5. Continue to advance the cause of **reforming the access to information regime** by providing ongoing support and advice to Parliament and parliamentary committees.	Ongoing	Met all

Priority	Type	Status
6. Build **organizational capacity.**	Ongoing	Mostly met

In line with our 2011–2014 strategic plan, which we developed this year, we amended our Management, Resources and Results Structure (MRRS). We streamlined our priorities according to three key result areas: a leading access to information regime; exemplary service delivery to Canadians; and an exceptional workplace. We developed performance indicators that better reflect our work and represent solid and realistic targets against which we can measure our performance each year. These new targets will come into effect for the 2012–2013 reporting cycle.

Risk Analysis

The factors we noted in our 2010–2011 *Report on Plans and Priorities* as affecting our operating environment remained in play throughout the year. New technology and steps by government towards "open data" and "open government" continue to shape the world of access and the expectations of citizens about the information to which they may have access.

We also identified three specific risks for the year. First, we had insufficient human resources capacity, due to the number of new employees we had recruited since 2009. Among investigators, for example, 57 percent had fewer than three years of experience with us, as of January 2011. Moreover, nearly one third of investigators will soon be eligible to retire. Talent management, in terms of training and knowledge transfer, is therefore critical to developing and maintaining expertise in the particulars of our investigative function and tools. This is an ongoing priority for us.

We also addressed through a reorganization the lack of mobility and continuity at the executive level that our organizational structure presented. Any review of our organization, however, reminds us of our governance challenges, since, due to limited resources, we have only a single person in some key jobs. This reality has required us to put compensating controls in place to ensure the quality and integrity of many administrative functions.

The second risk we identified was associated with legal and statutory events relating to non-compliance, court decisions, policy initiatives, and legislative or regulatory frameworks that affect our activities. For example, the new exclusions and exemptions brought in under the *Federal Accountability Act* for certain institutions newly covered by the access law, such as the CBC and Canada Post, have led institutions and requesters to test the limits of these provisions before the courts. This means that we are devoting more resources to pursuing these cases. In addition, the number of complaints we now have on hold because of this litigation is growing, nearing 200 at the end of 2010–2011.

A similar risk of increased court activity arose in May 2011, with the Supreme Court decision in four cases of access to records held by ministers' offices and the Prime Minister's Office. With any future cases that test this ruling, there will be a concomitant increase in the time and personnel we require to effectively prepare and present our arguments.

This year, however, we also showcased how using the full range of formal powers the Commissioner has at her disposal effectively counters instances of non-compliance by institutions. For example, we conducted formal inquiries, subpoenaed records and issued reports to heads of institutions with formal recommendations. Our investigation into political interference with the access to information process and the Commissioner's appearances before

parliamentary committees also shed much needed light on important access issues. Our report card process complements these measures and effectively promotes compliance with the Act.

The third risk we anticipated was that our information management and information technology systems would not be sufficient to support our organizational objectives and business needs. Our new case management and information management systems are beginning to show positive results, particularly in terms of reporting. We have now turned our attention to building a much-needed legal tracking system to support that crucial area of business.

As the year went along, we identified two new risks. The first is associated with security, in terms of physical security, personnel, information technology, information management and business continuity. We carried out a physical security threat and risk assessment, and are developing a organizational security plan. Given the nature of our work and the information we hold, we consider complying with all of the Treasury Board of Canada Secretariat's security requirements and implementing a successful security plan to be a high-risk activity.

The second new risk we identified is related to ongoing fiscal restraint. We run a lean operation; however, we lack the financial flexibility to deal with unforeseen circumstances, since our year-end lapse of funds is very small—only 1.2 percent of authorities in 2010–2011.

Resources at a Glance

2010–2011 Financial Resources ($ thousands)

Program activity	2009–2010 Actual Spending	2010–2011				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Compliance with access to information obligations	7,894	8,201	8,201	8,827	8,724	Government Affairs: A transparent, accountable and responsive federal government
Internal services	3,569	3,861	3,861	3,934	3,889	
Total	11,463	12,062	12,062	12,761	12,613	

2010–11 Human Resources (full-time equivalents—FTEs)

Planned	Actual	Difference
106	102	4

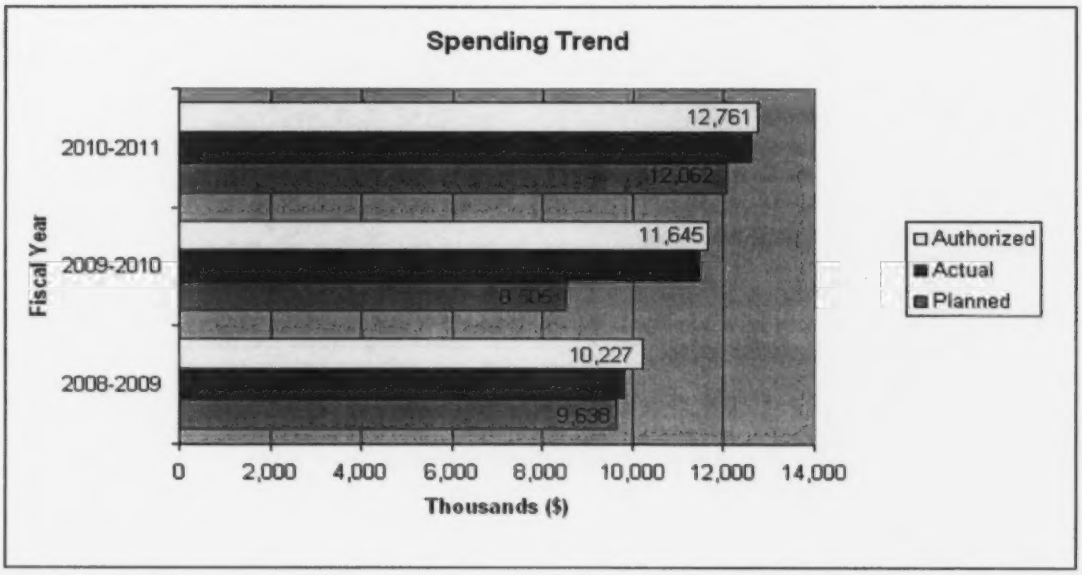
Expenditure Profile

The work we had planned to carry out our program activities was based on having $12,062,000 available to us. This is the amount we received from Parliament through the 2010–2011 Main Estimates. Later in the year, however, it became clear that without additional funding we would be unable to meet requirements related to litigation and complex cases. Since our carry over from the previous year ($202,377) was insufficient to cover these expenses, we secured a special purpose allotment of $400,000. We used this money to acquire specialized legal and investigative services to carry out ongoing court proceedings and complex cases, and to prepare for upcoming litigation.

Approximately 70 percent of our resources were dedicated directly to our first program activity (compliance with access to information obligations). The remaining 30 percent was slated for internal services. This percentage is consistent with other Agents of Parliament and organizations of comparable size and mandate.

Through prudent management, we lapsed only $148,000 into 2011–2012, while still managing to improve our service delivery and organizational capacity. In particular, we continued to streamline our investigation process and implement new and better information management and technology systems to facilitate our work. Our updated risk-based audit plan ensures that we regularly audit various aspects of our service delivery and internal functions.

The following chart shows our authorized, actual and planned spending for each year from 2008–2009 to 2010–2011. The large jump in actual from planned spending in 2009–2010 was the result of us receiving new funding to modernize and improve business processes.



Estimates by Vote

($ thousands)

Vote 40 or Statutory Item	Truncated Vote or Statutory Wording	2008–2009 Actual Spending	2009–2010 Actual Spending	2010–2011 Main Estimates	2010–2011 Actual Spending
40	Operating expenditures	8,990	10,326	10,750	11,259
(S)	Contributions to employee benefit plans	844	1,137	1,312	1,354
	Total	9,834	11,463	12,062	12,613

For more information on our organizational vote and/or statutory expenditures, please see the *2010–11 Public Accounts of Canada,* Volume II (look under Department of Justice Canada).

Section II: Our Performance in 2010–2011

Strategic Outcome

This section provides details of the Office of the Information Commissioner's (OIC) performance in 2010–2011. All the work we did contributed to our achieving our strategic outcome in 2010–2011: safeguarding individuals' rights under the *Access to Information Act*.

The summary table lists the status of our progress under our expected results, performance indicators and targets, as described in our 2010–2011 *Report on Plans and Priorities*. The subsequent narrative provides more information and some analysis.

Program Activities

The work we do under our two program activities, described in the box, below, serves to help us meet our single strategic outcome. Note however, that in line with our strategic plan, we have amended our Management, Resources and Results Structure for 2012–2013. The changes include more robust performance indicators.

Compliance with access to information obligations	**Internal services**
The *Access to Information Act* is the legislative authority for the oversight activities of the Information Commissioner of Canada, which are: to investigate complaints from individuals and corporations; to review the performance of federal institutions in complying with their obligations under the Act; to report results of investigations/reviews and recommendations to complainants, federal institutions, and Parliament; to pursue judicial enforcement; and to provide advice to Parliament on access to information matters.	Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Material Services; Acquisition Services; Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not those provided specifically to a program.

2010–2011 Financial Resources ($ thousands)

Program Activity	Planned Spending	Total Authorities	Actual Spending
Compliance with access to information obligations	8,201	8,827	8,724
Internal services	3,861	3,934	3,889
Total	12,062	12,761	12,613

2010–2011 Human Resources (FTEs)

Program Activity	Planned	Actual	Difference
Compliance with access to information obligations	75	69	6
Internal services	31	33	(2)
Total	106	102	4

Performance Summary and Analysis

Expected results	Performance indicators	Targets	Status
1. Individuals who have filed complaints with the Information Commissioner benefit from an effective and timely investigative process.	Effectiveness and timeliness of the investigative process	• 90 percent of investigations adhere to quality assurance standards at first round review. • 85 percent of administrative complaints are resolved within 90 calendar days of their being registered, as per practice direction on Triage of Complaints.	Mostly met Not met
2. Institutions meet their obligations under the Act and co-operate in addressing institutional and systemic issues affecting access to information.	Responsiveness of institutions to OIC's advice and recommendations	• 95 percent of recommendations from investigations of complaints are adopted. • 80 percent of recommendations from report cards and from systemic investigations are adopted.	Met all Met all

3. All stakeholders receive relevant and timely information on ATI issues and the role of oversight bodies in ensuring compliance with legislation.	OIC's influence on promoting compliance through information and partnerships	• Increase in national media coverage of OIC's reports, major decisions/ announcements and collaborations • Accurate reporting and positive feedback (as determined by media content analysis) • 100 percent of OIC's corporate/special reports, findings of noteworthy investigations and summaries of access requests are posted on the OIC website.	Met all
4. Parliament receives clear, relevant information and timely, objective advice about the access implications of legislation, jurisprudence, regulations and policies.	OIC's influence on the development of relevant legislation and policy through work in parliamentary committee	• 85 percent of access-relevant parliamentary committee reports referring to OIC's advice • Accurate references and positive feedback (as determined by content analysis)	Met all
5. Courts receive useful representations and relevant evidence about access issues, the proper interpretation of the provisions of the Act and of related statutes, regulations and jurisprudence.	OIC's contribution to the interpretation of relevant legislation and jurisprudence	• 90 percent of court cases where judgments support OIC's representation	Mostly met

Improving service delivery to complainants

Canadians look to us to conduct efficient, fair and confidential investigations into complaints about institutions' handling of access requests. Over the past three years, we have improved how our office is organized and how we work to deliver the best service possible.

In 2010–2011, we continued to study our caseload and determine strategies for quickly and effectively dealing with complaints. For example, we grouped complaints by institution, type or subject matter, and worked to resolve them simultaneously.

We did not hesitate to use, when warranted, the Commissioner's formal powers—such as issuing formal recommendations to heads of institutions—to address persistent issues of non-compliance, as well as resolve complex cases raising contentious issues. The Information Commissioner also held a series of meetings with deputy heads of institutions to review the performance against their obligations under the *Access to Information Act*, including the duty to assist requesters, to discuss our role in investigating complaints, and to learn more about the obstacles they face.

Our investigative units were fully staffed, as a result of intensive recruiting over the last two years. Our targeted training focused on specific areas of investigation as well as the application and interpretation of the law. Our career development opportunities enabled us to prepare junior investigators for more complex files.

We strove to ensure that our investigations were of the highest quality, through director-level reviews of investigation files. As per our target, these files met our quality standards at the first stage of review more than 90 percent of the time.

As a result of these efforts, we closed, for the second consecutive year, more than 2,000 cases (2,061), decreasing our inventory by 11 percent (233 files). This marks significant progress towards our goal of having an inventory of 500 complaints by the end of 2013–2014.

We also reduced by 8 percent from 2009–2010 the average time it took to conclude investigations. A focus of our efforts was administrative complaints—in particular, reducing the number of days required for various steps in the process. Our goal is to resolve 85 percent of those complaints within three months so that investigators can focus more intensively on the substantive and challenging refusal complaints. In 2010–2011, 32 percent of all administrative complaints closed were completed within three months. This compares to 17 percent in 2009–2010 and just 10 percent in 2008–2009.

Overall, our business model, which we introduced three years ago, is continuing to pay dividends. Full staffing and ongoing training have helped immeasurably, as has becoming even more familiar with our caseload and designing strategies for dealing with groups of complaints.

A number of challenges lie ahead, however. For example, the complexity of our caseload has substantially increased over the last two years. Due to our work to quickly resolve administrative complaints, 75 percent of our inventory now consists of refusal and old cases that raise complex

and unexpected challenges. This will require us to step up our training, particularly of our cohort of junior investigators, ensure we are giving all investigators clear and targeted direction on how to manage cases, and continue to streamline our processes. Process efficiency improvements are also still needed so we can meet our target for completing administrative complaints.

Fostering institutions' compliance with the *Access to Information Act*

In 2009, we launched a dedicated three-year plan for improving the impact and usefulness of our annual report cards. Each year of the plan contains new institutional assessments, follow-ups with previously assessed institutions and related systemic investigations. In 2010–2011, the second year of the plan, we pursued activities in each of these areas:

- We followed up on the progress of 13 institutions that had performed poorly in our previous assessment in implementing our recommendations. We found that all the institutions had moved forward on almost all fronts. We also followed up on the Treasury Board of Canada Secretariat's (TBS) response to our recommendations over the past two years and found progress in a number of important areas.
- We assessed the performance of a group of institutions that had recently come under the *Access to Information Act*. The compliance of these Crown corporations and Agents of Parliament (including us) ranged from some of the best we have ever seen to some of the worst. We again issued recommendations and will follow up on them next year to assess the institutions' progress in implementing them.
- We launched a systemic investigation into delays in the processing of access to information requests due, in particular, to mandatory consultations and interference with the access to information process. We expect to conclude this investigation in 2011.

We also concluded our investigation into the move in 2008 by the TBS to no longer require institutions to update its registry of access requests, the Coordination of Access to Information Requests System. Our investigation found that no denial of access had taken place, since all the records that were the subject of the requests listed in the system were still available from individual institutions. Nonetheless, we issued recommendations to TBS aimed at having it direct institutions to post lists of requests on their own sites and developing a central tool that would allow users to search these lists. Subsequent to our investigation, the President of the Treasury Board announced a commitment to initiatives that promote open information. For example, all institutions subject to the Act will be expected to post summaries of completed access requests on their websites.

The outcomes of our investigations are another way that we foster compliance with the Act, particularly when we issue recommendations for institutions to follow. In the course of investigations, our investigators often give informal recommendations to institutions to help them prevent the situation associated with the complaint for recurring. In seven instances,

however, we issued letters to heads of institutions containing formal recommendations. Three of these cases were ultimately resolved and the recommendations implemented. The four cases that were not resolved are now before the courts.

Overall, we are confident that all the measures we take to foster compliance with institutions are paying off. We will get a good sense of this next year when we re-assess the performance of some of the institutions we surveyed for our 2008–2009 report cards. In particular, we will look into their responses to our recommendations and whether there has been a resulting improvement in performance.

Promoting compliance, proactive disclosure and open government through communications and partnerships

As an ombudsperson, the Commissioner encourages federal institutions to disclose information as a matter of course and to respect Canadians' rights to request and receive information, in the name of transparency and accountability.

In 2010–2011, we took advantage of electronic media to get out as much information as possible about our organization and the work we do. We added new functions to our website, including a consultation capability that enables us to collect comments on important issues.

We posted our special report on our investigation into political interference with the access process. The 2010–2011 annual report (also on our website) contains summaries of more than 20 noteworthy investigations from the year.

We also undertook to post, in both official languages, summaries of all completed access requests, with the number of pages of information disclosed. Requesters may now ask electronically for the documents released under a previous request.

Our new Facebook page allows us to quickly relay details of our activities and decisions.

We promoted both proactive disclosure and open government in a number of forums, and worked with many partners to extend the reach of our efforts.

- In April 2010, the Commissioner made a presentation to the House of Commons Standing Committee on Access to Information, Privacy and Ethics on proactive disclosure. She appeared before the same committee on the subject of open government in November 2010.
- In September 2010, the Commissioner and her federal, provincial and territorial access and privacy counterparts issued a joint Resolution on Open Government, calling on governments to embrace open government principles for greater transparency and accountability.

- Also in September 2010, we joined forces with our provincial and territorial counterparts to present Right to Know Week. At the federal level, we worked with the Canadian Bar Association, Senator Francis Fox, Carleton University and Microsoft Canada.

Media coverage of our work has increased 11-fold over the past three years. This reflects the interest of Canadians in our work to encourage transparency and accountability in government.

Providing exemplary service to requesters

Since becoming subject to the *Access to Information Act*, we have endeavoured to become a centre of excellence and a leader among federal institutions on how to effectively handle access and privacy requests and fulfill the duty to promptly assist requesters.

In 2010–2011, we continued to provide exemplary service to requesters. We completed 46 of 48 access requests, including two from the previous year, in an average of 15 days, providing all release packages for free on CD-ROM. For the third consecutive year, we responded to a majority of cases within the 30-day timeframe prescribed by the Act. No request responses were ever late. We took three extensions (for no longer than 15 days) for files requiring consultations with other federal institutions. Our use of extensions has decreased in recent years, from 10.7 percent of requests in 2008–2009 to 6.5 percent in 2010–2011.

We waived the $5 application fee for formal access requests from November 1, 2010, to April 30, 2011. In the spirit of the duty to assist, this measure ensures that the application fee does not act as a barrier to access. It also enables us to accept requests by e-mail and prevents delays associated with payment. The results of this pilot project will be assessed in 2011–2012.

Our efforts at providing exemplary service were recognized in 2010–2011 in two ways. There were no complaints filed about our processing requests that year. In addition, we received an A grade from the Information Commissioner ad hoc on our report card for our performance in 2009–2010. The Information Commissioner ad hoc investigates complaints against us for our handling of access to information requests, since we cannot objectively investigate ourselves. The Commissioner ad hoc participated in the report card process for the same reason.

Assisting Parliament and making the case for modernizing access legislation

As an Agent of Parliament, the Information Commissioner has an important role to play in assisting Parliament in its oversight of the *Access to Information Act*, and is pleased to appear at the request of parliamentary committees as they seek to bring greater transparency to government.

The Commissioner made 10 such appearances in 2010–2011, on issues such as institutional performance (report cards), proactive disclosure, open government and political interference with the access process.

The House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI) tabled two reports during 2010–2011: a report supporting the appointment of the Information Commissioner and a follow-up to our report cards 2008–2009.

The Commissioner's presentations and our reports to Parliament highlighted various gaps and deficiencies in the *Access to information Act*. For example, our report cards, the subject of a presentation to the ETHI committee in April 2010, exposed the difficulties associated with the legislative scheme that was put in place under the *Federal Accountability Act*. Our March 2011 special report to Parliament on a case of political interference with the administration of the Act highlighted additional gaps in the legislation.

Fulfilling public expectations for timely and optimal disclosure of information necessarily involves modernizing the *Access to Information Act*, and our efforts to promote such a change are unflagging. Our new strategic plan specifically commits us to supporting Parliament's initiatives to modernize the access to information regime.

Contributing to the interpretation of relevant legislation and jurisprudence

A fundamental principle of the *Access to Information Act* is that decisions on disclosure should be reviewed independently of government. We do the first level of review through our investigation process. Once the investigation is completed and the findings are reported, there is a second level of review of refusals to grant access to records before the Federal Court.

In 2010–2011, our counsel participated in a number of court proceedings, including four major cases that were heard by the Supreme Court of Canada. We successfully intervened in two cases and brought three new applications before the Federal Court.

Our work in the courts led to progress on several ongoing and new cases that will have an important impact on the access to information regime. In one case against the Canadian Broadcasting Corporation (CBC), we successfully defended our investigative powers. We will continue to defend those powers in the appeal that was filed by the CBC. To further ensure proper interpretation of the Act, we brought three new applications to review decisions of heads of institutions that refused to give access.

We also closely monitor court proceedings involving access to information matters. This year, we were granted leave to intervene in cases involving third-party information.

Strengthening governance and building organizational capacity

Responsible governance implies practices that ensure rigorous stewardship of public resources. Effective governance starts with strategic planning as a guiding vision of what we need to achieve and with what resources, and how to maximize their use.

In the summer of 2010, we conducted a strategic planning exercise in consultation with key stakeholders, including employees, to set our priorities for the next three years. The process generated a consensus around three key result areas: exemplary service delivery to Canadians; a leading access to information regime; and an exceptional workplace.

In line with strategic plan, we updated our Management, Resources and Results Structure, to come into effect with the 2012–2013 planning cycle. In particular, we updated our expected results, performance indicators and targets, taking into account our business model and recent improvements to our auditing and reporting functions.

As an Agent of Parliament, we are obliged to maintain a strong internal audit function. Informed by our strategic planning exercise, we updated the list of key risks facing the organization and developed the Risk-Based Audit Plan for 2010–2013. This plan provides for three important audits: the efficiency of business processes for investigations; compliance with security requirements; and the effectiveness of our information technology systems and information management practices.

To ensure healthy financial management and compliance with the Policy on Internal Control, we commissioned an external firm to conduct a preliminary review of our controls over salary, operating expenditures and material management. Only minor improvements were recommended, and they have been implemented. We are also assessing our compliance with various Treasury Board requirements to provide assurance on the adequacy of our controls, including preparing an annex to our financial statements that outlines our emerging system of internal control and how we are assessing and enhancing it.

We developed and introduced future-oriented financial statements, which are prepared on an accrual basis, starting with our 2011–2012 *Report on Plans and Priorities*. This additional information is meant to assist parliamentarians in their consideration of the Estimates and institutions' requests for expenditure authority.

We continued to build organizational capacity by pursuing our multi-year strategy to renew our information management and information technology infrastructure. In 2010–2011, we focused on the development and testing of a new records and case management system for investigations (InTrac) as well as the rollout of an electronic records repository (RDIMS). We also performed significant network upgrades, which resulted in a 30 percent reduction in calls to our help desk.

As noted above, our investigative units are now fully staffed and benefited from targeted training geared to our business requirements. However, we are still working to bring all our new investigators, and those participating in our development program, up to speed, particularly on refusal cases. In light of this, we consulted all investigative units at year-end about the strategies, training and tools required to efficiently handle our more complex caseload. In addition, we experienced some employee turnover right at year-end, which will require us to recruit and train new investigators to ensure we have the capacity we need to efficiently and effectively respond to complaints.

On the legal side, we hired a new General Counsel and Director of Legal Services this year. This has brought welcome stability to the group after some months of transition and is allowing us to continue to build our legal capacity. The legal tracking system expected to be brought online in 2011–2012 will contribute to this.

In March 2011, we initiated an internal audit of our business processes for investigations. We expect that this exercise will provide the same range of benefits as the previous audit did for our Intake and Early Resolution Unit.

Lessons Learned

After an overall successful year, in which we continued to make improvements in how we work and to get the message out about the importance of access to government information, we will continue to refine our approaches on a number of fronts.

Our 2011–2014 strategic plan will be our guiding light in this regard. It has already benefited the organization by focusing all of us on a common vision and shared way forward. It is also helping us to communicate that vision to our partners and stakeholders.

As noted, our increasing efficiency means that more complex refusal complaints make up an increasingly larger part of our inventory. Responding efficiently and effectively to these complaints will mean devising strategies to deal with the challenges they present, including zeroing in on particular areas, such as institutions' use of the national security exemption. At the same time, we must continue to bring our overall turnaround time for complaints down, as well as completing more administrative complaints within 90 days.

Resource restraints will continue to be a reality for us in 2011–2012, and we are concerned that we have a lack of flexibility to deal with any unforeseen circumstances that may arise.

Finally, responsible and effective governance is not just an option for us; it is mandatory. Due to Canadians' interest in the work we do and in light of the intense scrutiny Agents of Parliament have received in the past year, we are very conscious of how crucial it is that we do everything we can with the resources we have to ensure responsible and effective governance. Going forward, we will continue to develop and implement the controls we need to provide assurance that we are using public funds wisely and prudently.

Section III: Supplementary Information

Financial Highlights

Condensed Statement of Financial Position
As at March 31, 2011 ($)

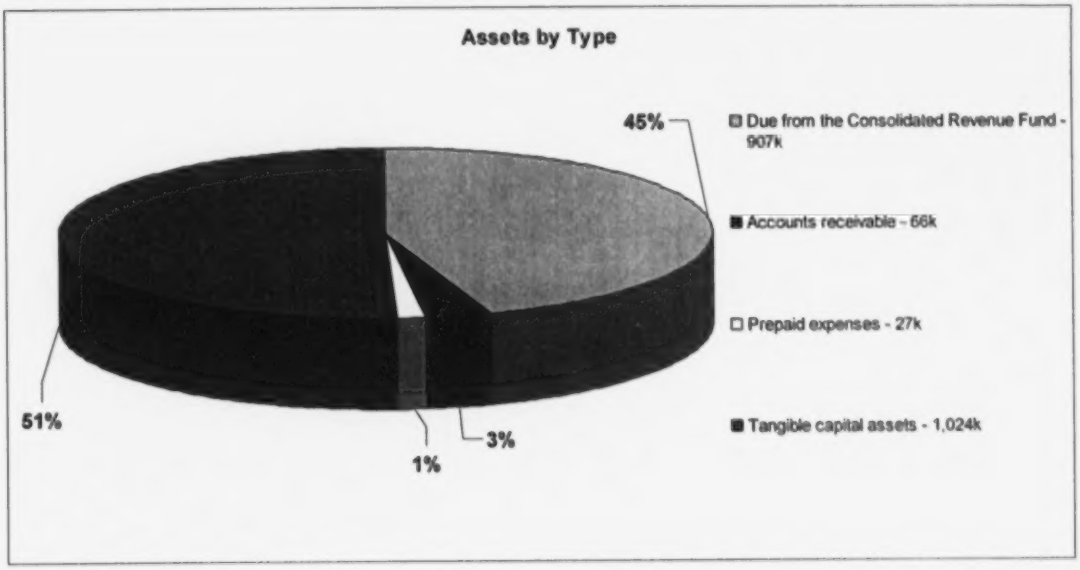
	% Change	2010–2011	2009–2010
Total assets	23	2,025,503	1,644,864
Total liabilities	19	3,198,018	2,690,780
Equity of Canada	12	(1,172,515)	(1,045,916)
Total	23	2,025,503	1,644,864

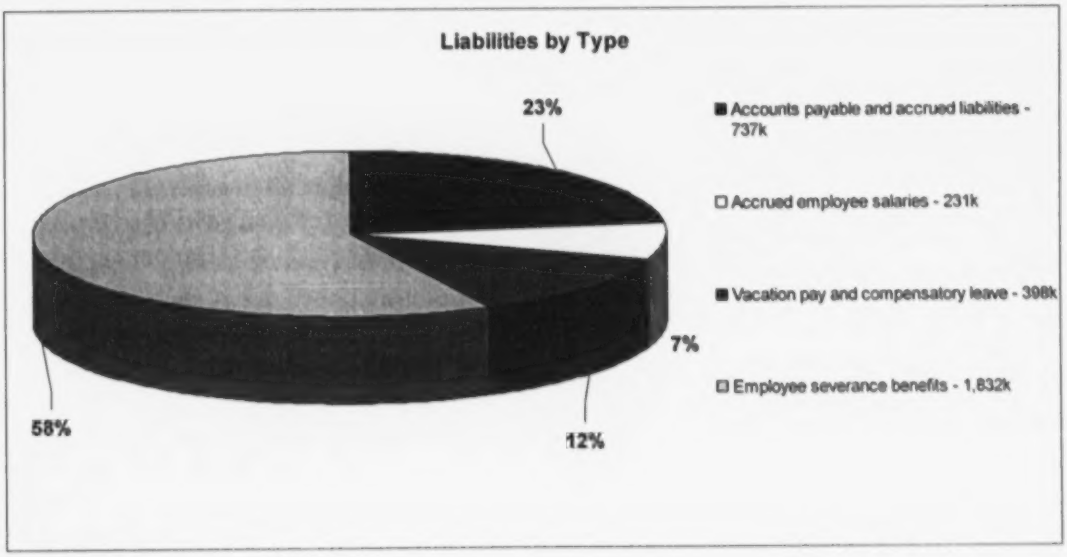
Condensed Statement of Operations
For the year ended March 31, 2011 ($)

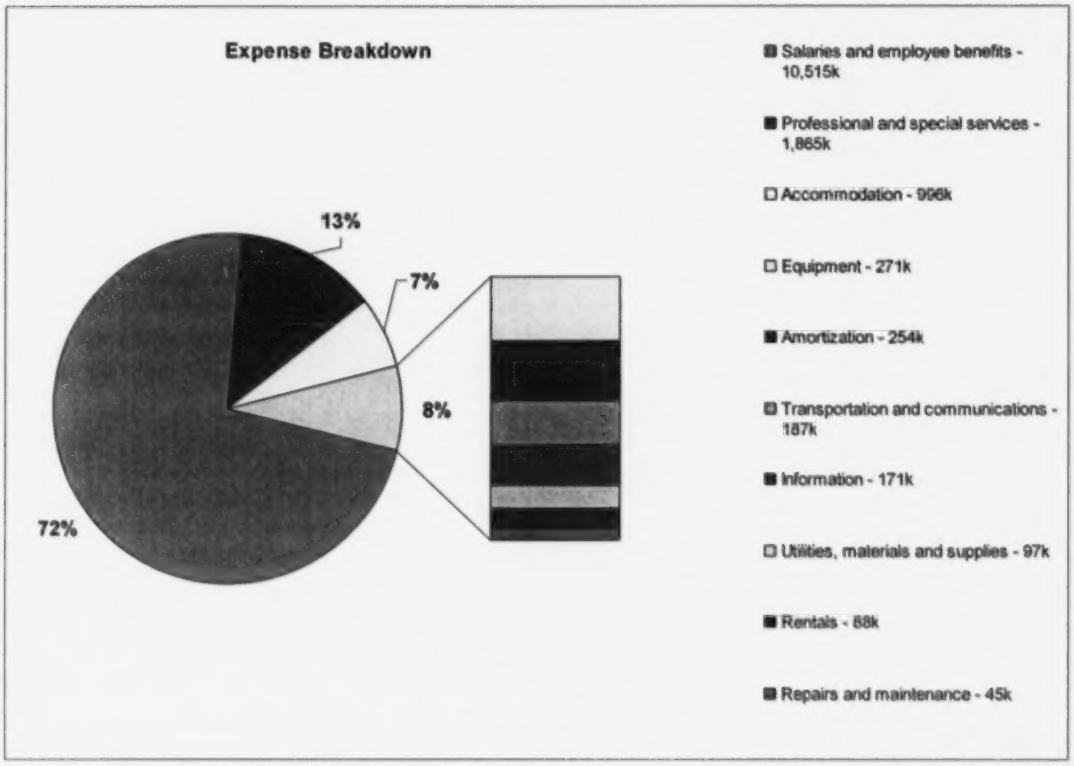
	% Change	2010–2011	2009–2010
Total expenses	8	14,498,196	13,420,276
Net cost of operations	8	14,498,196	13,420,276

Charts: Assets, Liabilities and Expense Breakdown

The following charts illustrate the breakdown of our assets, liabilities and expenses in 2010–2011.







Financial Statements

Our website contains our most recent financial statements, Statement of Management Responsibility, Including Internal Control over Financial Reporting, and the corresponding annex on our development and assessment of our system of internal controls.

Supplementary Table

The Internal Audits and Evaluations table may be found on the Treasury Board of Canada Secretariat's website: http://www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp.

Section IV: For more information

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